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Attorneys for Defendant and Counterclaimant  
 SENORX, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

HOLOGIC, INC., CYTIC CORPORATION and  
 HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

AND RELATED COUNTERCLAIMS

CASE NO.: C08-0133 RMW (RS)  
**CIVIL LOCAL RULE 79-5(B) AND  
 (C) ADMINISTRATIVE MOTION  
 TO FILE UNDER SEAL  
 CONFIDENTIAL VERSION OF  
 DEFENDANT SENORX, INC.'S  
 REPLY IN SUPPORT OF MOTION  
 FOR PARTIAL SUMMARY  
 JUDGMENT FOR NON-  
 INFRINGEMENT AND EXHIBITS 6  
 AND 7 TO THE DECLARATION OF  
 ADAM D. HARBER IN SUPPORT OF  
 DEFENDANT SENORX, INC.'S  
 REPLY IN SUPPORT OF ITS  
 MOTION FOR PARTIAL  
 SUMMARY JUDGMENT FOR NON-  
 INFRINGEMENT**

Date: June 25, 2008  
 Time: 2:00 p.m.  
 Ct. Rm: Courtroom 6, 4<sup>th</sup> Floor  
 Judge: Hon. Ronald M. Whyte

PLEASE TAKE NOTICE that pursuant to Civil Local Rule 79-5(b) and (c), Defendant SenoRx, Inc. ("SenoRx") hereby moves the Court for an order to file under seal (1) the confidential version of Defendant SenoRx, Inc.'s Reply in Support of its Motion for Partial Summary Judgment for Non-Infringement ("Non-Infringement Reply Brief"), and (2) Exhibits 6 and 7 to the Declaration of Adam D. Harber in Support of Defendant SenoRx, Inc.'s Reply in Support of its Motion for Summary Judgment of Non-Infringement.

SenoRx brings this motion because portions of its Non-Infringement Reply Brief contain the confidential business information of SenoRx and technical information Plaintiffs have designated as confidential. In addition, Exhibits 6 and 7 appear to contain the confidential technical information of Plaintiffs.

A protective order governing how confidential and proprietary information produced during the case shall be treated by the parties has been entered in this case [Docket No. 154]. In accordance with that protective order and in compliance with Civil Local Rule 79-5(b) and (c), SenoRx seeks to withhold the foregoing information designated under the protective order from the public versions of its papers. In compliance with Civil Local Rule 79-5(c), SenoRx has created confidential and non-confidential versions of its Non-Infringement Reply Brief.

For the foregoing reasons, SenoRx respectfully requests that the Court enter an order allowing SenoRx to file under seal select confidential portions of Defendant SenoRx, Inc.'s Reply in Support of its Motion for Partial Summary Judgment of Non-Infringement.

Dated: June 11, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: s/Natalie J. Morgan

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Natalie J. Morgan, State Bar No. 211143  
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Attorneys for Defendant and Counterclaimant  
SENORX, INC.

CERTIFICATE OF SERVICE  
U.S. District Court, Northern District of California,  
*Hologic, Inc. et al. v. SenoRx, Inc.*  
Case No. C-08-0133 RMW (RS)

I, Janice Wright, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On June 11, 2008, I served a copy(ies) of the following document(s):

**CIVIL LOCAL RULE 79-5(B) AND (C) ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL VERSION OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT FOR NON-INFRINGEMENT AND EXHIBITS 6 AND 7 TO THE DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT FOR NON-INFRINGEMENT**

**DECLARATION OF NATALIE J. MORGAN IN SUPPORT OF CIVIL LOCAL RULE 79-5(B) AND (C) ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL VERSION OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT FOR NON-INFRINGEMENT AND EXHIBITS 6 AND 7 TO THE DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT FOR NON-INFRINGEMENT**

**[PROPOSED] ORDER GRANTING SENORX'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL VERSION OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT FOR NON-INFRINGEMENT**

**[FILED UNDER SEAL] CONFIDENTIAL VERSION OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT**

**[FILED UNDER SEAL] CONFIDENTIAL EXHIBIT 6 TO THE DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT**

**[FILED UNDER SEAL] CONFIDENTIAL EXHIBIT 7 TO THE DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT**

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

Henry C. Su (suh@howrey.com)  
Katharine L. Altemus (altemusk@howrey.com)  
HOWREY LLP

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HOLOGIC, INC. CYTYC  
CORPORATION and

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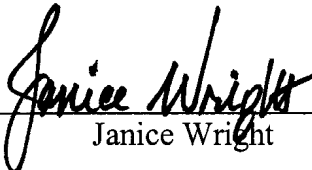
Attorneys for Plaintiffs  
HOLOGIC, INC. CYTYC  
CORPORATION and  
HOLOGIC LP

☒ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent via electronic mail (email) to the above listed names and email addresses.

☐ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case Management/Electronic Case File system with the U.S. District Court for the Northern District of California.

I declare under penalty of perjury under the laws of the United States that the above is true and correct, and that this declaration was executed on June 11, 2008.

  
\_\_\_\_\_  
Janice Wright

F.T. Alexandra Mahaney, State Bar No. 125984  
 Natalie J. Morgan, State Bar No. 211143  
 WILSON SONSINI GOODRICH & ROSATI  
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Attorneys for Defendant and Counterclaimant  
 SENORX, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

HOLOGIC, INC., CYTIC CORPORATION  
 and HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

CASE NO.: C08-0133 RMW (RS)

**DECLARATION OF NATALIE J.  
 MORGAN PURSUANT TO CIVIL  
 LOCAL RULE 79-5(D) IN SUPPORT OF  
 PLAINTIFFS' ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL  
 CONFIDENTIAL VERSION OF  
 DEFENDANT SENORX, INC.'S REPLY  
 IN SUPPORT OF MOTION FOR  
 PARTIAL SUMMARY JUDGMENT OF  
 NON-INFRINGEMENT AND EXHIBITS  
 6 AND 7 TO THE DECLARATION OF  
 ADAM D. HARBER IN SUPPORT OF  
 ITS MOTION FOR PARTIAL  
 SUMMARY JUDGMENT OF NON-  
 INFRINGEMENT**

AND RELATED COUNTERCLAIMS

Date: June 25, 2008  
 Time: 2:00 p.m.  
 Ct. Rm: Courtroom 6, 4<sup>th</sup> Floor  
 Judge: Hon. Ronald M. Whyte

DECLARATION OF NATALIE J. MORGAN ISO  
 PLAINTIFFS' ADMIN. MOTION TO FILE UNDER SEAL  
 SENORX'S REPLY IN SUPPORT OF MOTION FOR  
 PARTIAL SUMMARY JUDGMENT FOR NON-  
 INFRINGEMENT AND EXHIBITS 6 AND 7

CASE NO. C08-0133 RMW (RS)  
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1 I, Natalie J. Morgan, declare as follows:

2 1. I am an associate at the law firm Wilson Sonsini Goodrich & Rosati and a  
3 member of the Bar of this court, and I serve as one of the outside counsel for Defendant and  
4 Counterclaimant SenoRx, Inc. ("SenoRx"). The following declaration is based on my personal  
5 knowledge, and if called upon to testify, I could and would competently testify as to the matters  
6 set forth herein.

7 2. Pursuant to Civil L.R. 79-5(b) and (c), the information contained herein is  
8 submitted in support of Plaintiffs' Administrative Motion to File Under Seal the Confidential  
9 Version of Defendant SenoRx, Inc.'s Reply in Support of Motion for Partial Summary Judgment  
10 of Non-Infringement and Exhibits 6 and 7 to the Declaration of Adam D. Harber in Support of  
11 Defendant SenoRx, Inc.'s Reply in Support of its Motion for Partial Summary Judgment of Non-  
12 Infringement.

13 3. The confidential version of Defendant SenoRx, Inc.'s Reply in Support of Motion  
14 for Partial Summary Judgment of Non-Infringement contains the confidential business  
15 information of SenoRx, and technical information Plaintiffs have designated as confidential. The  
16 distribution to the general public such information could cause harm to SenoRx,

17 4. Exhibit 6 (excerpts from the transcript of the deposition of Lynn J. Verhey, Ph.D)  
18 and Exhibit 7 (excerpts from the transcript of the deposition of James F. Dempsey, Ph.D) were  
19 each produced during the course of discovery in this case and appear to contain the confidential  
20 technical information of Plaintiffs.

21 I declare under penalty of perjury that the foregoing is true and correct.

22  
23 Dated: June 11, 2008

By: s/Natalie J. Morgan  
Natalie J. Morgan

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOLOGIC, INC., CYTIC CORPORATION and  
HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

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AND RELATED COUNTERCLAIMS

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CASE NO.: C08-0133 RMW (RS)

**[PROPOSED] ORDER GRANTING  
SENORX'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
CONFIDENTIAL VERSION OF  
DEFENDANT SENORX, INC.'S  
REPLY IN SUPPORT OF MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT FOR NON-  
INFRINGEMENT**



1 The Court, having considered Defendant SenoRx, Inc.'s ("SenoRx") Motion To File  
2 Under Seal The Confidential Portions of Defendant SenoRx, Inc.'s Reply in Support of Motion  
3 for Partial Summary Judgment for Non-Infringement, finds that good cause exists pursuant to  
4 Civil Local Rule 79-5 for the Motion and hereby orders that the Motion is GRANTED in its  
5 entirety.

6 The clerk shall maintain the confidential portions of Defendant SenoRx, Inc.'s Reply in  
7 Support of Motion for Summary Judgment for Non-Infringement under seal.

8 It is SO ORDERED  
9

10 Dated: \_\_\_\_\_, 2008

By: \_\_\_\_\_  
Honorable Ronald M. Whyte  
United States District Court Judge